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EXAMINER

WASSUM, LUKE S

ART UNIT

PAPER NUMBER

2177

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/448,164

Applicant(s)

GERMSCHIED ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - a) When acronyms are used, they should be defined upon first use, and not thereafter. In the specification, there are instances where an acronym is used and not defined (see page 11, lines 7, 10 and 16 “ADO”; see also page 40, line 21). See 35 USC 112 (1) and 37 CFR 1.71(a).
  - b) internet terminal 54 should be 64 to correspond with Figure 4; see page 21, lines 5, 6 and 13; also page 22 lines 13 and 22; also page 24 line 5;
  - c) on page 25, line 1, there is a typographical error “Cool ICEA”;
  - d) on page 26, line 3, there is an erroneous comma included “Fig., 4”;
  - e) on pages 1 and 2 “Cross-Reference”, the serial number, filing date, and current status (including the patent number of any issued patents) should be included in the cross-reference;
  - f) there are instances in the specification where reference is made to “the above-referenced application”. Given the number of co-pending applications cited, the specific application number and title of any referenced applications should be included in any citations in the body of the specification; see page 22, line 2; also page 26, line 14; also page 35 lines 9-10; also page 36, lines 1-2.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6-8, 11-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hong et al.** (U.S. Patent 6,266,673).

4. Regarding claim 1, **Hong et al.** teaches an improvement in a data processing environment having a user responsively coupled via a publicly accessible digital data communications network to a database management system having at least one database, comprising a service request generated by said user terminal which creates an empty data set within the database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

5. Regarding claim 6, **Hong et al.** teaches an apparatus comprising:

a) a user terminal (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64);

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- b) a database management system having access to a database responsively coupled to said user terminal via a publicly accessible digital data communication network (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64); and
- c) a service request generated by said user terminal which causes said database management system to create an empty set (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

6. Regarding claim 11, **Hong et al.** teaches a method of utilizing a user terminal to access a remote database management system having a database via a publicly accessible digital data communication network comprising:

- a) transmitting a service request from said user terminal (see col. 5, lines 25-64);
- b) receiving said service request by said remote database management system (see col. 6, lines 10-21); and
- c) creating an empty data set by said database management system in response to receipt of said service request (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

7. Regarding claim 16, **Hong et al.** teaches an apparatus comprising:

- a) means for permitting a user to interact with a database responsively coupled via a publicly accessible digital data communication network (see col. 5, lines 25-64);
- b) means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering data processing services involving access to said database in response to said service request (see col. 6, lines 10-21); and

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c) means for creating an empty data set within said database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

8. Regarding claims 2, 7 and 13, **Hong et al.** additionally teaches an improvement, method and apparatus wherein said database management system further comprises a repository in which said empty data set is created (see Figure 2; see also col. 6, lines 22-64).

9. Regarding claims 3, 8 and 12, **Hong et al.** additionally teaches an improvement, method and apparatus further comprising a parameter set associated with said service request whereby said empty set is created in accordance with said parameter set (see parameter sets at col. 7, lines 7-12 and 38-40).

10. Regarding claims 4, 14 and 17, **Hong et al.** additionally teaches an improvement, apparatus and method wherein said publicly accessible digital data communication network comprises the Internet (see col. 5, lines 25-64).

11. Regarding claim 18, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises means for generating and transmitting a service request requesting said database management system to execute said creating step (see col. 6, lines 10-43; see also col. 6, line 65 through col. 8, line 11).

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*Claim Rejections - 35 USC § 103*

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 5, 9, 10, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong et al. (U.S. Patent 6,266,673) in view of **Admitted Prior Art**.

15. Regarding claims 5, 9, 15 and 19, **Hong et al.** teaches an improvement to a data processing environment, method and apparatus substantially as claimed.

**Hong et al.** does not teach the improvement, method and apparatus wherein said database management system is MAPPER.

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However, it is taught as **Admitted Prior Art** that one of the most successful database management systems is MAPPER (see page 4, lines 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use MAPPER as the database management system, since MAPPER is one of the most successful database management systems, and so would be likely to satisfy a wide variety of user requirements.

16. Regarding claim 10, **Hong et al.** additionally teaches an improvement wherein said publicly accessible digital data communication network comprises the World Wide Web (see col. 5, lines 25-64).

17. Regarding claim 20, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (see col. 4, lines 7-38; see also col. 5, lines 25-64).

### *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Gebauer** (U.S. Patent 6,324,539) teaches the instant invention.

**Bae et al.** (U.S. Patent 6,295,531) teaches the instant invention.

**Bodamer et al.** (U.S. Patent 6,236,997) teaches an apparatus and method for accessing foreign processes in a heterogeneous database environment , including the ability to create new database tables.



**Bodamer et al.** (U.S. Patent 6,226,649) teaches an apparatus and method for accessing foreign processes in a heterogeneous database environment , including the ability to create new database tables.

**Hong et al.** (U.S. Patent 6,134,558) teaches a method and apparatus wherein a distributed database system provides the ability for a client system to request the creation of a new database table on the database server.

**Olsen et al.** (U.S. Patent 6,115,704) teaches a change definition language that serves as an extension to SQL.

**Bodamer et al.** (U.S. Patent 6,041,344) teaches an apparatus and method for accessing foreign processes in a heterogeneous database environment , including the ability to create new database tables.

**Kleewin et al.** (U.S. Patent 6,009,428) teaches an application program interface (API) at a local processor that enables transparent access to both local and remote databases.

**Itoh et al.** (U.S. Patent 5,832,486) teaches a distributed data system wherein new tables can be created remotely from the client system.

**Malatesta et al.** (U.S. Patent 5,613,111) teaches a system that provides the ability to alter or create data definitions in a Database Management System (DBMS).

**Adair et al.** (U.S. Patent 5,257,366) teaches programs which provide access to a relational database at a remote database management system.

**Davis et al.** (U.S. Patent 4,939,689) teaches a relational database that is created and queried through the use of an outliner-style text editor which permits automatic generation of data entry forms for the creation of records.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.


In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Luke S. Wassum  
Art Unit 2177

lsw  
January 23, 2002



JEAN R. HOMERE  
PRIMARY EXAMINER